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EXAMINER

VANTERPOOL, LESTER L

ART UNIT PAPER NUMBER

3727

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Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/826,759	CHRETIEN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Lester L. Vanterpool	3727	

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>August 12, 2004</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Examiner notes that applicant is evoking 35 U.S.C. 112, 6<sup>th</sup> paragraph in (claim 1, line 8) by reciting: "means for" releasably mounting the shopping list on a first surface of said planar member...

Examiner notes that applicant is evoking 35 U.S.C. 112 6<sup>th</sup> paragraph in (claim 1, line 20) by reciting: "means for" releasably mounting the planar member on the flat substrate...

2. Claims 1 – 10 & 12 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amundson et al., (U.S. Patent Number 4685701) in view of Hicks (U.S. Patent Number 3881267) and Dunning (U.S. Patent Number 6299119). Amundson et al., discloses the rigid substantially planar member (12) (See Figure 1) sized to support the shopping list (14) (See Figure 2) when the shopping list (14) is mounted thereon (column 2, lines 20 – 29) (See Figure 2).

Amundson et al., also discloses means (16) to releasably mount on the first surface of the planar member (12) (column 2, lines 20 – 29) (See Figure 2).

However, Amundson et al., does not disclose means to releasably mount the shopping list on the first surface of the planar member.

Hicks teach means (55) to releasably mount the shopping list (60) on the first surface of the planar member (22) (column 3, lines 4 – 13) (See Figures 1 & 2) for the purpose of securing loose paper articles.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make means to releasably mount the shopping list on the first surface of the planar member as taught by Hicks with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance anchoring and securing small individual loose paper items.

However, Amundson et al., does not disclose means to mount on the second side of the planar member, opposite the first side, to releasably mount the planar member on the flat substrate.

Dunning teaches means (25) to mount on the second side (23) (See Figure 2) of the planar member (10), opposite the first side (20) (See Figure 1), to releasably mount the planar member (10) on the flat substrate (column 5, lines 47 - 50).

Amundson et al., discloses at least one clip (19) hingedly mounted (See Figures 1 & 3) by the hinge means (22) to the second side (See Figures 1 & 3) of the planar member (12) (See Figure 1) to rotate about the hinge (22) between the closed position

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(See Figure 3) substantially flush against the second side (See Figure 3) of the planar member (12) and the open position (See Figures 1 & 3) substantially orthogonal to the second side (See Figure 3) of the planar member (12) wherein, in the open position (See Figure 3), the chip (19) is disposed to releasably mount onto the elongated handle (18) (column 2, lines 35 - 38) (See Figures 1 & 3), and wherein in the closed position (See Figure 3) the clip (19) is retracted so as to not interfere with operation (See Figure 3).

However, Amundson et al., does not disclose the means to releasably mount the planar member of the flat substrate.

Dunning teaches means (25) to releasably mount the planar member (10) of the flat substrate (column 5, lines 47 – 50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the means to releasably mount the planar member of the flat substrate as taught by Dunning with the shopping list writing tablet and mounting system of Hicks in order to enhance posting and mounting flexibility.

Amundson further discloses each clip (19) of the at least one clip (19) (See Figures 1 & 3) having at least one arm (21) defining an aperture (20) and the opening (20) (See Figure 3), the opening (20) cooperating with the aperture (20) to pass the handle (18) (See Figure 3) through the opening into the aperture (20) (See Figure 3).

However, Amundson et al., does not disclose the friction member mounted in cooperation with the aperture when the clip is in the open position so as to bear the

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friction member against and frictionally engage the handle when the handle is releasably mounted in the aperture.

Hicks teaches the friction member (73 & 74) mounted in cooperation with the aperture (See Figures 1 & 3) when the clip (69 & 71) is in the open position (See Figure 3) so as to bear the friction member (73 & 74) against and frictionally engage the handle (80) (See Figure 1) when the handle (80) is releasably mounted in the aperture (See Figure 3) for the purpose of reliable positioning anchoring and prevent movement.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the friction member mounted in cooperation with the aperture when the clip is in the open position so as to bear the friction member against and frictionally engage the handle when the handle is releasably mounted in the aperture as taught by Hicks with the shopping list writing cart tablet and mounting system of Amundson et al., in order to enhance adequate anchoring security and prevent movement.

Regarding claim 2, Hicks discloses the means to releasably mount the shopping list (60) is the resilient clip (55) mounted to the first side of the planar member (22) (column 3, lines 4 – 13) (See Figures 1 & 2) for the purpose of providing adequate anchoring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the means to releasably mount the shopping list is the resilient clip mounted to the first surface of the planar member as taught by Hicks with

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the shopping list writing tablet and mounting system of Amundson et al., in order to enhance anchoring and securing small individual loose paper items.

Regarding claim 3, Amundson et al., does not disclose the means to releasably mount the planar member on the flat substrate includes at least one magnet.

Dunning teaches the means (25) to releasably mount the planar member (10) on the flat substrate (column 5, lines 47 – 50) includes at least one magnet (25) (column 5, lines 47 – 50).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the means to releasably mount the planar member of the flat substrate include at least one magnet as taught by Dunning with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance posting and mounting flexibility.

Regarding claim 4, Amundson et al., does not disclose the at least one magnet including the pair of magnets mounted spaced apart on opposite ends of said second side of said planar member.

Dunning teaches the at least one magnet (25) includes the pair magnets (25) (See Figures 2 – 7 & 10) mounted spaced apart on the opposite ends of the second side (See Figures 2 & 4) of the planar member (23) for the purpose of providing even distribution.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one magnet including the pair of magnets mounted spaced apart on opposite ends of the second side planar member as taught by Dunning with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance even anchoring distribution.

3. Regarding claim 5, Amundson et al., and Hicks disclose the invention substantially as claimed.

However, Amundson et al., and Hicks do not disclose the at least one clip is hingedly mounted between the pair of magnets.

Dunning teaches the at least one clip (22) is hingedly mounted between the pair of magnets (25) (See Figure 1 & 2) (column 5, lines 48 – 55) for the purpose of portable vertical storage.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the at least one clip is hinged mounted between the pair of magnets as taught by Dunning with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance portable vertical storage.

Regarding claim 6, Hicks further discloses at least one clip (12) includes the pair of clips (65 & 66) mounted so that, in their open position (See Figure 3), said apertures (69 & 71) on the pair of clips (65 & 66) are aligned to accept the handle (80)



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simultaneously mounted in both the apertures (69 & 71) (column 3, lines 41 – 45) (See Figures 1 – 3) for the purpose of providing reliable accurate leveling and stability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one clip includes the pair of clips mounted so that, in their open position, said apertures on the pair of clips are aligned to accept the handle simultaneously mounted in both the apertures as taught by Hicks with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance reliable accurate leveling and stability.

Regarding claim 7, Hicks further disclose wherein the planar member (22) (See Figure 1) is elongate between the opposite ends (See Figures 1 & 2) and wherein the handle (80), when mounted in the pair of apertures (69 & 71), extends laterally of the planar member (22) (See Figures 1 – 4) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the planar member is elongate between the opposite ends and wherein the handle, when mounted in the pair of apertures, extends laterally of the planar member as taught by Hicks with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance multi-functional capabilities.

Regarding claim 8, Amundson et al., further discloses the at least one clip (19) includes the pair of clips (19) (See Figure 1) mounted so that, in their open position, the

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apertures (20) on the pair of clips (19) are aligned to accept the handle (18) simultaneously mounted in both the apertures (20). See Figures 1 & 3.

Regarding claim 9, Amundson et al., further discloses the planar member (12) is elongate between the opposite ends (See Figure 1) and wherein the handle (18), when mounted in the pair of apertures (20), extends laterally of the planar member (12). See Figures 1 & 3.

Regarding claim 10, Amundson et al., discloses the at least one clip (16) is the resilient clip (column 2, lines 25 – 27). See Figure 2.

Furthermore, Hicks also discloses the at least one clip (55) is the resilient clip (column 3, lines 3 – 6) (See Figures 1 & 2) for the purpose of providing reliable anchoring.

Regarding claim 12, Dunning discloses the friction member (29) is mounted to the second side of the planar member (21) (See Figure 6) so as to dispose at least the frictional bearing surface (See Figure 6) of the friction member (29) into alignment with the aperture (column 5, lines 58 – 63) (See Figure 6) for the purpose of providing adequate anchoring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the friction member is mounted to the second side of the planar member so as to dispose at least the frictional bearing surface of the friction

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member into alignment with the aperture as taught by Dunning with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance anchoring.

Regarding claim 13, Dunning discloses the aperture has the vertex adjacent the second side of the planar member (21) (See Figure 6) when the at least one clip (22) is in the open position (See Figure 6), and wherein the frictional bearing surface is adjacent the vertex so as to be disposed inwardly into the aperture (See Figure 6) so that the handle when mounted in the aperture contacts the frictional bearing surface and not the vertex (column 5, lines 58 – 63) (See Figure 6) for the purpose of providing reliable and durable anchoring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the aperture has the vertex adjacent the second side of the planar member when the at least one clip is in the open position, and wherein the frictional bearing surface is adjacent the vertex so as to be disposed inwardly into the aperture so that the handle when mounted in the aperture contacts the frictional bearing surface and not the vertex as taught by Dunning with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance anchoring.

Regarding claim 14, Hicks discloses the friction member (73 & 74) is resilient (column 3, lines 30 – 34) (See Figure 1 – 4) for the purpose of providing adequate anchoring and prevents excess movement.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the friction member is resilient as taught by Hicks with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance anchoring and prevent excess movement.

Regarding claim 15, Hicks discloses the friction member (73 & 74) extends between the pair of clips (65 & 66) (column 3, lines 28 – 34) (See Figures 1 – 4) for the purpose of providing adequate level anchoring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the friction member extends between the pair of clips as taught by Hicks with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance level anchoring and prevent excess movement.

Regarding claim 16, Hicks discloses the friction member (73 & 74) is resilient (column 3, lines 30 – 34) (See Figures 1 – 4) for the purpose of providing adequate anchoring and prevents excess movement.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the friction member is resilient as taught by Hicks with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance anchoring and prevent excess movement.

Regarding claim 17, Amundson et al. further discloses the second side of the planar member (12) (See Figures 1 & 3) has recesses therein (See Figure 3) formed so that the at least one clip (19) when in the closed position lies in the recesses. See Figure 3.

Regarding claim 18, Amundson et al., discloses the closed position the at least one clip (19) (See Figure 3) is substantially contained within the recesses in the second side of said planar member (12). See Figure 3.

Regarding claim 19, Amundson et al., discloses the hinge means (25) to provide the folding of the pair of clip (19) (See Figure 3) inward from adjacent edges of the second side of the planar member (12). See Figure 3.

Regarding claim 20, Amundson et al., discloses the pair of clips (19) (See Figures 1 & 2) in the closed position (See Figure 3).

However, Amundson et al., does not disclose the friction member is mounted to the second side of the planar member and extends in to the aperture.

Dunning teaches the friction member (29) (column 5, lines 58 – 63) is mounted to the second side of the planar member (21) and extends in to the aperture (See Figure 6) for the purpose of providing reliable anchoring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the friction member is mounted to the second side of the

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planar member and extends in to the aperture as taught by Dunning with the shopping list writing tablet and mounting system of Amundson et al., in order to enhance anchoring.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amundson et al., (U.S. Patent Number 4685701) in view of Hicks (U.S. Patent Number 3881267) and Montgomery (U.S. Design Patent Number 331076). Amunson et al., and Hicks disclose the invention substantially as claimed.

However, Amunson et al., and Hicks do not disclose the resilient clip having the pair of opposed facing resilient hook-arms defining the aperture therebetween.

Montgomery discloses the resilient clip (See Figures 1, 3 & 4) having the opposed facing resilient hook-arm defining the aperture therebetween (See Figures 1, 3 & 4).

However Amunson et al., Hicks and Montgomery do not disclose the pair of opposed facing resilient hook-arms defining the aperture therebetween.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the pair of opposed facing resilient hook-arms defining the aperture therebetween, since it has been held that mere duplication of the essential working parts of the device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

### ***Conclusion***

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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**JES F. PASCUA**  
**PRIMARY EXAMINER**

LLV  
May 17, 2006